

REMARKS

This responds to the Final Office Action mailed on July 18, 2008.

Claims 1, 9, 13 and 24 are amended, no claims are canceled or added; as a result, claims 1-30 are now pending in this application.

§103 Rejection of the Claims

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Talvitie (U.S. Patent No. 6,791,491) in view of Tiller (U.S. Publication No. 2004/0106381).

Claims 13 and 17-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGeehan et al. (U.S. Patent No. 6,229,992; hereinafter "McGeehan") in view of Talvitie and Tiller.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Talvitie in view of Tiller as applied to claim 1 above, and further in view of Sugar et al. (U.S. Publication No. 2002/0080728; hereinafter "Sugar").

Claims 9-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Talvitie in view of Tiller.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Talvitie in view of Tiller as applied to claim 9 above, and further in view of Rose, Jr. (U.S. Patent No. 5,127,101; hereinafter "Rose").

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McGeehan in view of Talvitie and Tiller as applied to claim 13 above, and further in view of Loo et al. (U.S. Patent No. 5,757,319; hereinafter "Loo").

Claims 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGeehan in view of Talvitie and Tiller as applied to claim 13 above, and further in view of Sengupta et al. (U.S. Patent No. 6,556,102; hereinafter "Sengupta").

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McGeehan in view of Talvitie and Tiller as applied to claim 21 above, and further in view of Stolarczke et al. (U.S. Patent No. 5,093,929; hereinafter "Stolarczke").

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McGeehan in view of Talvitie and Tiller as applied to claim 21 above, and further in view of Young (U.S. Patent No. 6,643,522).

Claims 24 and 26-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Talvitie in view of McGeehan and Tiller.

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Talvitie in view of McGeehan and Tiller as applied to claim 24 above, and further in view of Sugar.

Claim 1

First arg.

Claim 1, as amended, recites “transmitting a test signal over a channel affected by interference from an interference signal associated with a transceiver upon initialization of the transceiver.” The Office Action admitted¹ that Talvitie failed to disclose “periodically transmitting a test signal over a channel affected by interference from an interference signal associated with a transceiver, the test signal transmitted when the transceiver is not transmitting or receiving operational signals and the test signal sampled from the interference signal.” The Office Action stated that in Talvitie, the calibration is made “when the device is manufactured.”²

To supply what Talvitie failed to disclose, the Final Office Action turns to Tiller. Tiller however, is focused on an interference canceller that “can be configured once, then continues to operate without further adjustment.”³ Although Tiller includes broadening language stating that “adjustments can be made periodically whenever necessary to accommodate for any changes such as environmental changes,” its primary teaching is that configuring the interference canceling need only be calibrated once and that further adjustment is not generally needed. Applicant submits that one of ordinary skill in the art would not read Tiller as teaching periodically transmitting a test signal, much less “transmitting a test signal ...upon initialization of the transceiver” as amended claim 1 now requires. Tiller in fact “teaches away” from this feature of the invention of amended claim 1.

In order to more clearly distinguish claim 1 from Talvitie and Tiller, Applicant has amended claim 1 which had referred to “periodically transmitting a test signal” to call for the

¹ Final Office Action of July 18, 2008, page 3, lines 18-21.

² *Ibid.*, page 3 line 12.

³ U.S. 2004/0106381, Tiller, [0029] lines 9-11.

generation of the test signal "upon initiation of the transceiver" to make it clear that amended claim 1 calls for the test signal "upon initialization." Support for the amendment appears in the application as filed at least at page 14, lines 12-22.

Applicant submits that the proposed combination of Talvitie and Tiller does not show that claim 1 would have been obvious to one of ordinary skill in the art at the time that the invention was made.

Claims 9, 13 and 24 have been amended to add the same distinguishing features discussed above with regard to claim 1 and are believed to allowable over the cited patents for the same reasons as claim 1 which are discussed above.

Because independent claims 1m 9m 13 and 24 are believed to be properly allowable over the cited patents, the remaining claims that are respectively dependent upon one of those independent claims are allowable for the same reasons as their independent claims.

Reconsideration and allowance of claims 1 through 30 is respectfully requested for the reasons stated above.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

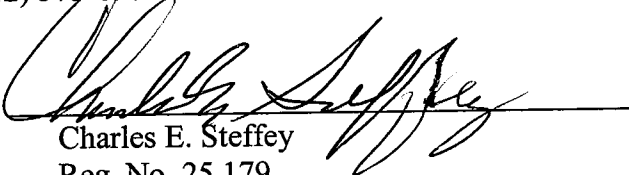
Respectfully submitted,

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Date

Jan 21, 2009

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of January, 2009.

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